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20 Attorneys for Plaintiffs

12 || Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 JOHN TEIXEIRA, STEVE
17 NOBRIGA, GARY GAMAZA,
18 CALGUNS FOUNDATION (CGF),
19 INC., SECOND AMENDMENT
20 FOUNDATION (SAF), INC., and
CALIFORNIA ASSOCIATION OF
FEDERAL FIREARMS LICENSEES
(Cal-FFL),

21 Plaintiffs.

--|| VS.

24 COUNTY OF ALAMEDA, ALAMEDA
25 BOARD OF SUPERVISORS (as a
26 policy making body), WILMA CHAN
in her official capacity, NATE MILEY
in his official capacity, and KEITH
CARSON in his official capacity.

28 Defendants.

CASE NO.: 3:12-CV-03288 SI

STIPULATION AND ORDER
RE: CASE MANAGEMENT
CONFERENCE

Current CMC: April 26, 2013
2:30 p.m.
19th Floor
Courtroom 10

1 The parties, by and through counsel, stipulate to the following:

2 1. There is an Initial Case Management Conference set for April 26, 2013 in

3 this matter.

4 2. On February 26, 2013 this Court entered an order granting Defendants'

5 Motion to Dismiss with leave to amend.

6 3. On April 1, 2013 the Plaintiffs filed a First Amended Complaint.

7 4. Defendants intend to file an FRCP 12(b) motion to challenge the legal

8 sufficiency of the Complaint.

9 5. The parties stipulate that Defendants shall file any FRCP 12(b) motion on or

10 before May 20, 2013.

11 6. The parties stipulate that if the Defendants do not file an FRCP 12(b) motion

12 by May 20, 2013, that the parties agree to a referral to Early Neutral

13 Evaluation of the Case through the Court's ADR process.

14 7. In light of these agreements by the parties, they now seek an order from the

15 Court that will:

16 C. Extend the deadline for the parties to file Rule 26(f) Reports and a

17 Joint Case Management Conference Statement.

18 D. Continue the Case Management Conference.

19 E. Continue the deadline for Defendants to file an answer to:

20 i. 15 days after any denial with prejudice of Defendants' FRCP

21 12(b) motion, or

22 ii. 15 days after termination without settlement of any ADR

23 procedure.

24 **SO STIPULATED.**

25 Date: April 18, 2013

Date: April 18, 2013

26 /s/ Donald Kilmer

/s/ Mary Ellyn Gormley

27 For Plaintiffs

For Defendants

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2
**ATTESTATION FOR COMPLIANCE WITH
GENERAL ORDER 45 AND LOCAL RULE VIII.B.**

3 I, Donald Kilmer, declare under penalty of perjury under the laws of California
4 and the United States that I have in my possession e-mail correspondence from
5 Mary Ellyn Gormley that the content of this document is acceptable to all persons
6 required to sign the document. I declare that this document was signed in San
7 Jose, CA on April 18, 2013.

8 _____
9 /s/
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Donald Kilmer
Attorney for Plaintiffs

SO ORDERED.

Good cause appearing, the court makes the following orders:

1. Defendants shall have until May 20, 2013 to file any FRCP 12(b) motion.
2. If the Defendants do not file an FRCP 12(b) motion by May 21, 2013, the case is referred to the Northern District Alternative Dispute Resolution for an Early Neutral Evaluation.
3. Defendants shall file an answer in this matter upon:
 - a. 15 days after any denial with prejudice of Defendants' FRCP 12(b) motion, or
 - b. 15 days after termination without settlement of any ADR procedure.
4. The parties shall file any Rule 26(f) reports 10 days after the event described in paragraph 3 of this order.
5. The Initial Case Management Conference is continued to August _____ at 2:30 p.m. in Courtroom 10, 19th Floor.
6. The parties shall file a Joint CMC statement 10 days before the conference.

Date:

U.S. District Judge